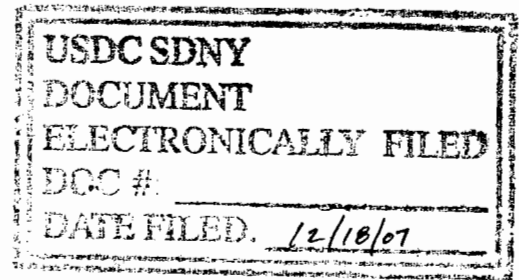


Vincent J. Vitkowsky
Ira G. Greenberg
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendants
750 Lexington Avenue, 8th floor
New York, NY 10022
(212) 308-4411



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SEATON INSURANCE COMPANY and
STONEWALL INSURANCE COMPANY,

Plaintiffs,

- against -

CAVELL USA INC. f/k/a KEN RANDALL
AMERICA, INC. f/k/a EASTGATE, INC. and
KEN RANDALL, individually,

Defendants.

No. 1:07-CV-07032 (RMB) (KNF)

ORDER

Upon reading and filing the declaration of Vincent J. Vitkowsky, dated December 12, 2007, and it appearing that the testimony of Mark Shepherd, a resident of England, as a witness is material and necessary to the issues of this action and that the testimony of a witness located within the United States of America may be taken by parties pursuant to a subpoena issued by the Clerk of Court,

NOW, upon motion of Vincent J. Vitkowsky, Edwards Angell Palmer & Dodge LLP, 750 Lexington Avenue, New York, New York 10022, attorneys for defendant, for an order pursuant to Federal Rules of Civil Procedure 28(b) directing issuance of letters rogatory for the taking of the deposition upon oral examination of and production of documents from Mark Shepherd, it is hereby ordered as follows:

1) The Clerk of the court shall issue a letter rogatory for the taking of the deposition upon oral examination of Mr. Shepherd as a witness in this action.

2) The letters rogatory shall also require Mr. Shepherd to produce documents by the date of his deposition.

3) The appropriate judicial authority in England is hereby authorized to take and report the deposition of Mr. Shepherd and shall have the power by virtue of the letter rogatory to administer any necessary oath and to take and report testimony.

SO ORDERED.

Dated: New York, New York
December 17, 2007



United States Magistrate Judge

Vincent J. Vitkowsky
Ira G. Greenberg
EDWARDS ANGELL PALMER & DODGE LLP
Attorneys for Defendants
750 Lexington Avenue, 8th floor
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**DECLARATION OF VINCENT J.
VITKOWSKY IN SUPPORT OF
REQUEST FOR LETTERS ROGATORY**

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

VINCENT J. VITKOWSKY declares as follows:

1. I am a member of the bar of this Court and the firm of Edwards Angell Palmer & Dodge LLP, attorneys for defendants Cavell USA Inc. and Kenneth Randall.
2. I am familiar with the facts and circumstances of this litigation and make this declaration in support of defendants' request for letters rogatory for assistance with taking the deposition of and receiving documents from Mark Shepherd, a nonparty witness located in England.
3. Plaintiffs' counsel has represented to defendants' counsel that they have no control over Mr. Shepherd with regards to responding to discovery requests.

I declare under penalty of perjury that the foregoing is true and correct. Executed on the
12th day of December, 2007.


VINCENT J. VITKOWSKY